

10/01



Sheet 1 of 2
Attorney
Docket No.: SCHSM-009XX

#3 465

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **PHOTO ELECTRIC MEASURING DEVICE**

the specification of which (check one):

☐ is attached hereto. ☒ was filed October 25, 2001 as Application No. 10/002,398 amended on _____ (if applicable).

☐ was filed as PCT International Application No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations §1.56(a)

I hereby claim foreign priority benefits under Title 35, USC §119(a)-(d) of a foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>	<u>Date Filed</u>	<u>Priority Claimed</u>	
<u>BZ 2000A000045</u> <u>Italy</u>	<u>26 October 2000</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(Number) (Country)	(Day/Month/Year)		
<u>00 126 468.8</u> <u>Europe</u>	<u>07 December 2000</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(Number) (Country)	(Day/Month/Year)		

I hereby claim the benefit under Title 35, USC §119(e) of any United States provisional application(s) listed below:

_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)
_____ (Application Number)	_____ (Filing Date)

**COPY OF PAPERS
ORIGINALLY FILED**

10/01

Sheet 2 of 2

Attorney

Docket No.: SCHSM-009XX

I hereby claim the benefit under Title 35 USC §120 of any United States application listed below and insofar as the subject matter of each of the claims of application is not disclosed in the prior United States application in the provided by the first paragraph of Title 35 USC §112, I acknowledge the disclosure of material information as defined in Title 37, Code of Federal Regulations 1.56(a) which occurred between the filing date of the prior application and national or PCT international filing date of this application: INVENTOR

(Application No.) 2109	(Filing Date)	(Patented/pending/abandoned)
(Application No.)	(Filing Date)	(Patented/pending/abandoned)
(Application No.)	(Filing Date)	(Patented/pending/abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) to prosecute this application and transact all business connected therewith in the Patent and Trademark Office, and to file with the USRO any International Application thereon.

Stanley M. Schurgin, Reg. No. 20,979

Charles L. Gagnebin III, Reg. No. 25,467

Victor B. Lebovici, Reg. No. 30,864

Beverly E. Hjorth, Reg. No. 32,033

Holliday C. Heine, Reg. No. 34,346

Gordon R. Moriarty, Reg. No. 38,973

James F. Thompson, Reg. No. 36,699

Address all correspondence to:

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP

Ten Post Office Square

Boston, Massachusetts 02109

Telephone: (617) 542-2290

Telecopier: (617) 451-0313

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements of Title 18 of the United States Code and that such willful false statements jeopardize the validity of the application or any patent issued thereon.

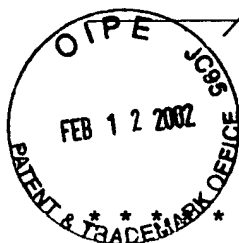
Full Name of Sole/First Inventor: Hans Pallingen		
City of Residence Brixen	State or Country Italy	Country of Citizenship
Post Office Address Weinbergstrasse 57	City 39042 Brixen	State or Country Zip Code Italy
Signature: (Please sign and date in permanent ink.) X <i>Hans-Godtard Tally</i>		Date signed: X Nov 09, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : HANS PALLINGEN
 Application No. : 10/002,398
 Filed : October 25, 2001
 For : PHOTO ELECTRIC MEASURING DEVICE
 Attorney's Docket : SCHSM-009XX

Group Art Unit: 2877

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on



By Charles L. Gagnebin III
 Charles L. Gagnebin III
 Registration No. 25,467
 Attorney for Applicant

PRIORITY CLAIM UNDER RULE 55

Commissioner for Patents
 Washington, D.C. 20231

Sir:

The benefit of the filing date in Italy and Europe of patent applications corresponding to the above-identified application is hereby claimed under Rule 55 and 35 U.S.C. 119 in accordance with the Paris Convention for the Protection of Industrial Property. This benefit is claimed based upon the following corresponding foreign patent applications, copies of which are attached hereto:

Italian Application No. BZ 2000A000045 filed: 26 October 2000; and
 European Application No. 00 126 468.8 filed: 07 December 2000.

Respectfully submitted,

HANS PALLINGEN

COPY OF PAPERS
 ORIGINALLY FILED

By Charles L. Gagnebin III
 Charles L. Gagnebin III
 Registration No. 25,467
 Attorney for Applicant

WEINGARTEN, SCHURGIN,
 GAGNEBIN & LEOVICI LLP
 Ten Post Office Square
 Boston, Massachusetts 02109
 Telephone: (617) 542-2290
 Telecopier: (617) 451-0313

Date: 1-16-2

CLG:kmw/259987-1
 Enclosures